

microorganisms through the intestinal wall of an individual. Claim 16 is directed to a nutritional composition. Thus, it is believed that new claims 9-16 satisfy the requirements of 35 USC §101.

Claims 1-7 were further rejected under 35 USC §112, second paragraph, for allegedly being indefinite for not setting forth any steps involved in a process. The outstanding Official Action alleged that it was unclear what process Applicants were intending to encompass. This rejection is also traversed.

It is believed that the present amendment obviates this contention. As noted above, claims 9-15 are directed to a method for reducing the uptake of high molecular weight substances. New claim 16 is directed to a nutritional composition. As new claims 9-16 are directed to method and composition claims, it is believed to be apparent that new claims 9-16 are definite to one of ordinary skill in the art.

In the outstanding Official Action, claim 8 was rejected under 35 USC §103(a) as allegedly being unpatentable over GREENBERG 5,260,279 in combination with ALSOP et al. EP 0 153 013. This rejection is respectfully traversed.

Applicants respectfully submit that the proposed combination set forth in the outstanding Official Action fails to render obvious the present invention. The present invention is concerned with the use of non digestible polysaccharides selected from dextrans (MW 8-40,000kD), hydrolysed mannans (MW 0.5-

1,000kD), hydrolysed glucomannans (MW 0.5-1,000kD), and hydrolysed galactomannans (MW 0.5-1,000kD). The polysaccharides can be used to prepare a nutritional composition that provides a reduction in the uptake of high molecular weight substances such as allergens and micro-organisms through the intestinal walls. In particular, the claimed composition reduces the uptake of high molecular weight substances in the tight junctions of the intestines (page 1, lines 6-10 and lines 29-33).

It is believed that the proposed combination does not disclose or suggest the claimed invention. GREENBERG discloses that the addition of a soluble fiber to a liquid food composition may help prevent diarrhoea and bacterial sepsis in an individual.

Moreover, GREENBERG teaches that the soluble fiber compound can retain the low viscosity of the composition. GREENBERG teaches that the soluble fiber compound may be guar gum or hydrolysed guar gum. However, guar gum and hydrolysed guar gum fall outside the scope of the claimed invention. Moreover, GREENBERG fails to disclose or suggest the claimed dextrans. In an effort to remedy the deficiencies of GREENBERG, the Official Action cites ALSOP et al.

The ALSOP et al. publication discloses oral compositions containing dextrans. The dextrans used in the ALSOP et al. publication have a molecular weight ranging from 10kD to 50,000kD. The dextran component and oral compositions are used to treat constipation, but can also be used as a diet food

product. This is achieved by a bulking effect (i.e. a thickening effect page 5, line 12) of the dextran.

In contrast, the present invention is not concerned with the thickening of the composition. To the contrary, the thickening effect of the polysaccharide of the present invention is minimized. As stated on page 3, lines 18-25 in the present specification, the addition of the polysaccharide of the present invention to the composition does not substantially increase the viscosity of the composition by more than 10 mPa.

With regard to the viscosity taught by the ALSOP et al. publication, one can see that the concentrations set forth in the examples of ALSOP et al. are well above the claimed upper limit in the present invention. Indeed, Example 1 has a concentration of 25g/l, Example 2 has a concentration of 25g/l, and Example 3 has a concentration of 15g/l.

Thus, Applicants believe that it is apparent that all of the compositions have a dextran concentration well above the claimed limit (i.e. more than 4 times higher). Applicants believe that one of ordinary skill in the art would appreciate that the addition of dextran taught by ALSOP et al. is at much higher concentration than presently claimed. Applicants also submit that utilizing a dextran or composition whereby the increase in viscosity is less than 10 mPa is nonobvious in view of GREENBERG and ALSOP et al.

Applicants believe that ALSOP et al. are not concerned with the conservation of the original viscosity to prevent the uptake of undesired substances by the intestines while still providing the benefit of a nutritional composition. To the contrary, ALSOP et al. state that the addition of dextran provides a bulking effect (page 3, line 4).

Thus, the ALSOP et al. composition provides an increase in the viscosity of the composition. This is well demonstrated in Example 2, which is described as a nutritional composition, but has a concentration of 25g/l. Accordingly, the importance of controlling the viscosity increase of the dextran was not recognized nor was the viewed as a problem.

Thus, what ALSOP et al. are really concerned with is a composition that inhibits constipation and an increase in the blood sugar (i.e. diet food product). As to the selection of dextran in the nutritional composition, ALSOP et al. fail to disclose or suggest using dextran to manipulate the viscosity of the composition.

In conclusion, there is nothing in the proposed combination publication which discloses or teaches the use of dextrin to reduce the uptake of high MW substances, allergens and microorganisms via the intestinal walls, while still providing the benefit of a nutritional composition to treat or prevent specific types of allergies, allergic reactions, inflammatory processes, ischaemia, reperfusion damage during and after

operations, after radiation treatment and/or chemotherapy of cancer patients, inflammatory diseases of the intestine, diarrhoea and allergies.

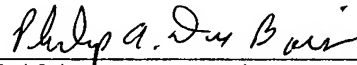
Thus, it is respectfully submitted that the proposed combination of GREENBERG in view of ALSOP et al. fails to disclose or suggest the claimed invention.

In view of the present amendment and the foregoing remarks, therefore, it is respectfully believed that this application is now in condition for allowance, with claims 9-16, as presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

Respectfully submitted,

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By



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